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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,376	08/25/2006	Josef Schulte	Q96379	3305

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EXAMINER

DESAI, HEMANT

ART UNIT	PAPER NUMBER
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3721

MAIL DATE	DELIVERY MODE
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09/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,376	Applicant(s) SCHULTE ET AL.	
	Examiner Hemant M. Desai	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/25/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Beckmann (5426921).

Beckmann discloses a device for producing and making ready for dispatching cardboard packaging made from folded boxes (31, fig.) with a plurality of bundle packs (48, fig. 1) as the packaging contents, it being possible to feed the bundle packs (48) to a box packer (33, fig. 1, see col. 5, lines 33-35), introduce them as a pack group into the folded box (31) and to feed the filled and closed folded boxes (57, fig. 1) to a palletizing station (fig. 5) for transfer to a pallet (3), where in the box packer (33) and the palletizing station (29) form one technical unit, the box packer being arranged directly in front of the palletizing station, which meets all the claimed limitations.

Regarding claim 14, Beckmann discloses that the box packer (33) comprises a packing station (see col. 5, lines 33-35; col. 6, lines 47-69 and col. 7, lines 1-25) and a closing station (37-38, 40, fig. 1, see col. 5, lines 59-65) for closing the filled folded boxes.

Regarding claim 15, Beckmann discloses that the box packer has an outline shape in plan view which is angular or L-shaped, with the packing station (21) and the

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closing station following each other in a main conveying direction of the boxes (31) and with a grouping station (49, fig. 1) for the formation of pack groups (48) from a plurality of bundle packs (47) laterally next to the packing station (21) such that the pack groups (48) can be introduced into the laterally open folded boxes (31) transverse to the main conveying direction.

Regarding claim 16, Beckmann discloses a device for producing and making ready for dispatching cardboard packaging made from folded boxes (31) with a plurality of bundle packs (48) as the packaging contents, it being possible to feed the bundle packs (48) to a box packer (33), introduce them as a pack group into the folded box (31) and to feed the filled and closed folded boxes (57) to a palletizing station (see fig. 5) for transfer to a pallet (3), wherein a packing station (see col. 5, lines 33-35; col. 6, lines 47-69 and col. 7, lines 1-25) for introducing pack groups (48) to a respective folded box (31) and a successive closing station (37-38, 40, fig. 1, see col. 5, lines 59-65) for closing the filled folded boxes are arranged in succession in a main conveying direction of the folded boxes, the closing station is followed in the main conveying direction by a box receptacle of the palletizing station (see fig. 50), the folded boxes can be transported in the palletizing station by a box conveyor transverse to the main conveying direction and set down on a pallet (3) next to the box receptacle.

Regarding claim 17, Beckmann discloses that on account of transport along the main conveying direction, the boxes (31) can be conveyed against a stop in the region of the box receptacle (34), boxes (10) which are not be to set down on a pallet (11) can

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be transported further in the continuation of the main conveying direction with the stop being moved out of the stop position.

Regarding claim 18, Beckmann discloses that the box receptacle (34) is dimensioned for the accommodation of at least two boxes lying next to one another in the conveying direction, each box (31) being assigned a stop, and it being possible for the boxes (31) to be removed from the box receptacle (34) alternately or one after another by the box conveyor.

Regarding claim 19, Beckmann discloses an end stop (32) of the box receptacle (34) is configured as a section of a conveying track, namely a roller track, and is connected pivotably to the box receptacle (34) in such a way that the end stop (34) can be moved into a conveying position and in the process forms a bridge between the box receptacle (34) and an adjacent discharge conveying path for transporting boxes (31) through the palletizing station in the main conveying direction.

Regarding claim 20, Beckmann discloses that the box conveyor is configured in the region of the palletizing station as a portal robot (78) with a projecting carrying arm (80) which is mounted on one side and on which a lifting head (84) for gripping a box can be moved in the longitudinal direction of the carrying arm.

Regarding claim 21, Beckmann discloses that the portal robot can be moved offset to the palletizing station, transversely with respect to the main conveying direction of the box, the horizontal carrying arm (80, 82) can be moved up and down on an upright load-bearing column (79) of the portal robot, the lifting head (84) can be moved back and forth in the longitudinal direction of the carrying arm,

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Regarding claim 22, Beckmann discloses that the pallets (3) which are to be loaded and loaded pallets can be moved transversely with respect to the main conveying direction of the boxes in the region of the palletizing station such that empty pallets can be displaced in a feed plane below the box receptacle into a loading position next to the box receptacle and can be moved out of the palletizing station in the same direction after loading.

Regarding claim 23, Beckmann discloses that the box packer, optionally the closing station (37, 38) and the palletizing station (50), are connected to a common controller, in particular to a common switch cabinet and/or a common control device (see col. 8, lines 47-50).

Regarding claim 24, Beckmann discloses that the grouping station, the packing station, the closing station and the palletizing station form constructive units each having an independent load carrying structure, the load carrying structure of each unit comprises longitudinal carriers and cross-members.

Regarding claim 25, Beckmann discloses that the load carrying structure for the grouping station is arranged directly adjacent to the load carrying structure of the packing station, with longitudinal carriers of the grouping station and of the packing station abutting one another, the load carrying structure of the palletizing station (50) has a rectangular configuration and is disposed offset and transverse to the load carrying structure of the closing station with elongate cross-members.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hemant M Desai/
Primary Examiner, Art Unit 3721